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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/843,199	04/26/2001	James E. Veres	MSFT-0245/154792.2	8823
41505	7590	04/16/2007	EXAMINER	
WOODCOCK WASHBURN LLP (MICROSOFT CORPORATION) CIRA CENTRE, 12TH FLOOR 2929 ARCH STREET PHILADELPHIA, PA 19104-2891			FOWLKES, ANDRE R	
			ART UNIT	PAPER NUMBER
			2192	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		04/16/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/843,199	VERES ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Andre R. Fowlkes	2192	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 15 March 2007.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1,5,8-10,35-40,42 and 53 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1,5,8-10,35-40,42 and 53 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) Notice of Informal Patent Application
- 6) Other: \_\_\_\_\_

## DETAILED ACTION

1. This action is in response to the amendment filed 3/15/07.
  
2. Claims 1, 5, 8-10, 35-40, 42 & 53 are pending. Claims 1 and 35 have been amended.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 5, 8-10, 35-40 and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over London Shrader et al., (London Shrader), U.S. Patent No. 5,870,611 in view of Yinger et al., (Yinger), U.S. Patent No. 5,960,204.

As per claim 1, London Shrader discloses a **system for managing application installation operations, a method of communicating with an application**, (col. 1:18-21, "This invention relates generally to electronic distribution of software in computer networks. More particularly, the invention relates to defining and constructing a proposed plan object for installing the software on the network"), **comprising:**

**- receiving from the application a call to set a property related to performing an application installation operation, wherein the application installation operation is a downsize operation** (col. 7:21-30, "The Installation, Configuration, Removal or Reinstallation commands attributes 106-112 provide the means to process the application-in-plan object on the workstation-in-plan objects in the workstation group-in-plan object in the Plan object. These attributes (i.e. properties) help to uniquely identify the application from other applications and to specify the commands to execute for the specified action, e.g., installation or configuration. The action type attribute 114 denotes the type of processing for this application, i.e. install, configure, remove, reinstall, or maintenance system using their respective commands", and col. 7:28-30, "The action type attribute 114 denotes the type of processing for this application, i.e. install, configure, remove (i.e. downsize/uninstall), reinstall, or maintenance", emphasis added),

**- further wherein the downsize operation comprises one of removing non-essential data and removing data that can be recreated from another source,** (col. 11:47-67, "The DELETE RSP FILE routine (i.e. downsize operation comprising removing non-essential data). This routine depicts the processing flow that occurs when the administrator tries to delete a RspFile from the network installation program. The routine begins with entry routine block 700 and continues to decision block 705 where the parent of the RspFile object is checked to see if it is a Cat object. If the parent is not a Cat object, it must be a CatIP object and processing continues to decision block 710 where the CatIP object is queried to determine if the Response File Required attribute

flag is set. If this flag not set, the RspFile is deleted (i.e. non-essential data is removed) in step 745 and the routine ends in return block 750. However, if the flag was set, the network installation program will post an error message in step 740 indicating that the RspFile object cannot be deleted because it is required. Afterwards, the routine ends in return block 750. If the parent object is a Cat object in decision block 705, processing continues to decision block 715 where the default response file attribute 320 of the Cat object is checked to see if it matches the real file name of the RspFile object. If the file names do not match, the RspFile object is deleted in step 745, and the routine ends in return block 750", and col. 7:28-30, "The action type attribute 114 denotes the type of processing for this application, i.e. install, configure, remove (i.e. downsizing data that can be recreated from another source), reinstall (i.e. reinstalling data that can be recreated from another source), or maintenance", emphasis added),

**- receiving from the application a call to initialize the application installation operation** (col. 7:21-30, "The Installation, Configuration, Removal or Reinstallation commands attributes 106-112 provide the means to process the application-in-plan object on the workstation-in-plan objects in the workstation group-in-plan object in the Plan object. These attributes help to uniquely identify the application from other applications and to specify the commands to execute (i.e. initialize) for the specified action, e.g., installation or configuration The action type attribute 114 denotes the type of processing for this application, i.e. install, configure, remove, reinstall, or maintenance system using their respective commands", and col. 5:53-54, "procedures

which (initialize an application installation operation and continue to) track the current state of installation", emphasis added),

**- receiving from the application a call to finalize the application installation operation** (col. 7:21-30, "The Installation, Configuration, Removal or Reinstallation commands attributes 106-112 provide the means to process the application-in-plan object on the workstation-in-plan objects in the workstation group-in-plan object in the Plan object. These attributes help to uniquely identify the application from other applications and to specify the commands to execute (i.e. finalize) for the specified action, e.g., installation or configuration The action type attribute 114 denotes the type of processing for this application, i.e. install, configure, remove, reinstall, or maintenance system using their respective commands", and col. 5:53-54, "procedures which (finalize an application installation operation and report) .. the current state of installation", emphasis added).

London Shrader doesn't explicitly disclose that the downsized **data comprises video data**. However, it would have been apparent to one skilled in the art to recognize that in London Shrader, once a file has been identified as non-essential, it is deleted, regardless of the specific type of file it is. Therefore, it would have been obvious to a person of ordinary skill in the art, at the time the invention was made, to downsize video data in addition to the other data formats that are disclosed as being downsized in the London Shrader system. The modification would have been obvious because one of

ordinary skill in the art would have wanted to avoid exceeding a hard drive's storage capacity by removing all types of non-essential data.

London Shrader doesn't explicitly disclose that **if the application installation operation is not executed successfully by the application, receiving a call to abort the application installation operation.**

However, Yinger, in an analogous environment, discloses that **if the application installation operation is not executed successfully by the application, receiving a call to abort the application installation operation** (col. 12:26-31, "The loading subprocess determines 935 whether the installation of the application module or the current version of the application module was successful. If the installation was unsuccessful, the installation is canceled 955 and a cancel flag is returned 965 to the process step calling for the execution of the application module").

Therefore, it would have been obvious to a person of ordinary skill in the art, at the time the invention was made, to incorporate the teachings of Yinger into the system of London Shrader to **receive a call to abort the application installation operation if the application installation operation is not executed successfully by the application.** The modification would have been obvious because one of ordinary skill in the art would have wanted to avoid an unstable or uncertain state by avoiding calls to an unsuccessfully installed program.

As per claim 5, the rejection of claim 1 is incorporated, and further London Shrader discloses that **said call to initialize the application installation operation is InitializeDownsize, and said call to finalize the application installation operation is FinalizeDownsize** (col. 7:28-30, “The action type attribute 114 denotes the type of processing for this application, i.e. install, configure, remove (i.e. downsize/uninstall), reinstall, or maintenance”, emphasis added. The London Shrader system performs the functionality of this claim. The examiner notes that claiming a specific name for this exhibited functionality is non-functional descriptive material. Merely claiming Non-functional descriptive material does not make this claim patentable).

As per claim 8, the rejection of claim 1 is incorporated, and further London Shrader discloses **receiving a call from the application to get a property related to performing an application installation operation** (col. 5:25-28, “A response file is a flat ASCII file that contains a set of responses to a corresponding set of questions (i.e. get property calls) asked by the program during the installation and/or configuration process.”, emphasis added).

As per claim 9, the rejection of claim 1 is incorporated, and further London Shrader discloses that **said call to set a property is SetProperty** (col. 7:28-30, “The action type attribute 114 denotes the type of processing for this application, i.e. install, configure (i.e. set property), remove (i.e. downsize/uninstall), reinstall, or maintenance”, emphasis added. The London Shrader system performs the functionality of this claim.

Art Unit: 2192

The examiner notes that claiming a specific name for this exhibited functionality is non-functional descriptive material. Merely claiming Non-functional descriptive material does not make this claim patentable).

As per claim 10, this is a computer readable medium/product version of the claimed method discussed above, in claim 1, wherein all claimed limitations have also been addressed and/or cited as set forth above. Additionally, such a product is deemed to be inherent in the system, otherwise, it would be inoperative.

As per claim 35, this is another method version of the claimed method discussed above, in claim 1, wherein all claimed limitations have also been addressed and/or cited as set forth above. For example, see the London Shrader/Yinger system (e.g. London Shrader col. 15:60-18:25 & Yinger col. 12:26-31).

As per claim 36, the rejection of claim 35 is incorporated, and further London Shrader discloses that **said call to set a property is SetProperty** (col. 7:28-30, "The action type attribute 114 denotes the type of processing for this application, i.e. install, configure (i.e. set property), remove (i.e. downsize/uninstall), reinstall, or maintenance", emphasis added. The London Shrader system performs the functionality of this claim. The examiner notes that claiming a specific name for this exhibited functionality is non-functional descriptive material. Merely claiming Non-functional descriptive material does not make this claim patentable).

As per claim 37, the rejection of claim 35 is incorporated, and further London Shrader discloses that **said call to SetProperty includes a parameter identifying APP\_PROPERTY\_GUID as the property that is being set** (col. 6:41-43, "The Group Container (i.e. a group of workstations belonging to a entity) 54 is used to hold one or more workstation Group objects (and their properties)", emphasis added).

As per claim 38, the rejection of claim 37 is incorporated, and further London Shrader discloses that **said call to SetProperty has a further parameter for pointing to a GUID for identifying the application that is the object of the downsize operation** (col. 7:16-18, "The Short Name attribute 102 is used to uniquely identify the object (i.e. a GUID) within the Network Installation Program.", emphasis added).

As per claim 39, the rejection of claim 35 is incorporated, and further London Shrader discloses that **said call to initialize the application downsize operation is InitializeUnInstall** (col. 7:28-30, "The action type attribute 114 denotes the type of processing for this application, i.e. install, configure, remove (i.e. downsize/uninstall), reinstall, or maintenance", emphasis added. The London Shrader system performs the functionality of this claim. The examiner notes that claiming a specific name for this exhibited functionality is non-functional descriptive material. Merely claiming Non-functional descriptive material does not make this claim patentable).

As per claim 40, the rejection of claim 35 is incorporated, and further London Shrader discloses that **said call to finalize the application downsize operation is FinalizeUnInstall** (col. 7:28-30, “The action type attribute 114 denotes the type of processing for this application, i.e. install, configure, remove (i.e. downsize/uninstall), reinstall, or maintenance”, emphasis added. The London Shrader system performs the functionality of this claim. The examiner notes that claiming a specific name for this exhibited functionality is non-functional descriptive material. Merely claiming Non-functional descriptive material does not make this claim patentable).

As per claim 42, this is a computer readable medium/product version of the claimed method discussed above, in claim 1, wherein all claimed limitations have also been addressed and/or cited as set forth above. Additionally, such a product is deemed to be inherent in the system, otherwise, it would be inoperative.

As per claim 53, the rejection of claim 1 is incorporated, and further London Shrader discloses that **non-essential data comprises data which is not necessary for the normal operation of an application program** (col. 11:47-67, “The DELETE RSP FILE routine is shown in FIG. 10. This routine depicts the processing flow that occurs when the administrator tries to delete a RspFile from the network installation program. The routine begins with entry routine block 700 and continues to decision block 705 where the parent of the RspFile object is checked to see if it is a Cat object. If the parent is not a Cat object, it must be a CatIP object and processing continues to

decision block 710 where the CatIP object is queried to determine if the Response File Required attribute flag is set. If this flag not set, the RspFile is deleted (i.e. non-essential data, not necessary for the normal operation of an application program, is deleted) in step 745 and the routine ends in return block 750. However, if the flag was set, the network installation program will post an error message in step 740 indicating that the RspFile object cannot be deleted because it is required. Afterwards, the routine ends in return block 750. If the parent object is a Cat object in decision block 705, processing continues to decision block 715 where the default response file attribute 320 of the Cat object is checked to see if it matches the real file name of the RspFile object. If the file names do not match, the RspFile object is deleted in step 745, and the routine ends in return block 750", emphasis added).

### ***Response to Arguments***

5. Applicants arguments have been considered but they are not persuasive.

*In the remarks, the applicant has argued substantially that:*

- 1) The cited art does not disclose a downsize operation comprising one of removing non-essential data and removing data that can be recreated from another source at p. 7:28-31.

*Examiner's response:*

1) The examiner disagrees with applicant's characterization of the applied art. The cited art does disclose a downsize operation comprising one of removing non-essential data and removing data that can be recreated from another source at, col. 11:47-67, "The DELETE RSP FILE routine (i.e. downsize operation comprising removing non-essential data). This routine depicts the processing flow that occurs when the administrator tries to delete a RspFile from the network installation program. The routine begins with entry routine block 700 and continues to decision block 705 where the parent of the RspFile object is checked to see if it is a Cat object. If the parent is not a Cat object, it must be a CatIP object and processing continues to decision block 710 where the CatIP object is queried to determine if the Response File Required attribute flag is set. If this flag not set, the RspFile is deleted (i.e. non-essential data is removed) in step 745 and the routine ends in return block 750. However, if the flag was set, the network installation program will post an error message in step 740 indicating that the RspFile object cannot be deleted because it is required (i.e. essential). Afterwards, the routine ends in return block 750. If the parent object is a Cat object in decision block 705, processing continues to decision block 715 where the default response file attribute 320 of the Cat object is checked to see if it matches the real file name of the RspFile object. If the file names do not match, the RspFile object is deleted in step 745, and the routine ends in return block 750", and col. 7:28-30, "The action type attribute 114 denotes the type of processing for this application, i.e. install, configure, remove (i.e. downsize/uninstall data that can be recreated from another source), reinstall (i.e.

reinstalling data that can be recreated from another source), or maintenance," (emphasis added).

*In the remarks, the applicant has argued substantially that:*

- 2) The cited art does not disclose that the data being downsized is video data at p. 7:28-31.

*Examiner's response:*

- 2) Applicant's arguments with respect to this limitation have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andre R. Fowlkes whose telephone number is (571) 272-3697. The examiner can normally be reached on Monday - Friday, 8:00am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Q. Dam can be reached on (571)272-3695. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

ARF

  
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SUPERVISORY PATENT EXAMINER